

ASSEMBLY BILL

No. 2401

Introduced by Assembly Member Blumenfield

February 24, 2012

An act to add Chapter 3.35 (commencing with Section 6220) to Division 7 of Title 1 of the Government Code, relating to communications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2401, as introduced, Blumenfield. Secure electronic communications.

Existing law provides that, notwithstanding any other provision of law, any requirement that a state agency send material, information, notices, correspondence, or other communication through the United States mail shall be deemed to include the authority for the state agency to send that material, information, notice, correspondence, or other communication by electronic mail upon the request of the recipient, unless impracticable to do so, or unless contrary to state or federal law.

This bill would authorize a business, a government agency, government official, or a person acting with official government authority to communicate with a person in writing by the use of a secure electronic delivery service, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 3.35 (commencing with Section 6220)
- 2 is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 3.35. SECURE ELECTRONIC DELIVERY SERVICE

6220. (a) A law requiring a business, a government agency, government official, or a person acting with official government authority to communicate with a person in writing, including, but not limited to, by mail or electronic mail, may be satisfied by the use of a secure electronic delivery service.

(b) A secure electronic delivery service shall do all of the following:

(1) Allow information to be provided, sent, delivered, or otherwise communicated by or from an entity, a government agency, government official, or a person acting with official government authority to a person in the form of an electronic record.

(2) Use security methods such as passwords, encryption, and matching an electronic address to a person's physical United States postal address, or other security methods that are consistent with applicable law or industry standards.

(3) Operate pursuant to the applicable requirements of the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Sec. 7001 et seq.) or the Uniform Electronic Transactions Act (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code).